

**Sexual Assault Kit Initiative (SAKI)
Multi-Disciplinary Group Meeting
October 13, 2016
Legislative Hall**

Attendees:

Jackie Cousin – Contact LifeLine
Anita Symonds – Christiana Care
Sergeant Barry Mullins – Wilmington PD
Deb Reed – Delaware State Police, Victim Services
Captain Patricia Davies – New Castle County PD
Amrita Lal-Paterson – Division of Forensic Science
Jamie Armstrong – Division of Forensic Science
Elizabeth McCourt – YWCA, Sexual Assault Response Center
Josette Manning – Department of Justice
Lieutenant Teresa Williams – New Castle County PD
Major Rob Hudson – Delaware State Police
Chris Kervick – Criminal Justice Council
Scott McLaren – Criminal Justice Council
Michael Kelly – Criminal Justice Council
Phil Saggione – Criminal Justice Council
Matthew Rosen – Criminal Justice Council
Maureen Monagle – Criminal Justice Council

The meeting commenced at 10:00am.

Michael Kelly of the Criminal Justice Council presented a PowerPoint that provided a description of Delaware's Sexual Assault Kit Initiative (SAKI) program. The presentation included:

- Overview of the SAKI grant.
- Goals of the SAKI program.
- Purpose of Multi-Disciplinary Group (MDG).
- Multi-disciplinary training to implement a victim-centered approach.
- Reasons for untested sexual assault kits.
- Details about Delaware's backlog of untested kits.
- Action Steps.
- The role of the Criminal Justice Council (CJC).

Chris Kervick of the Criminal Justice Council said that the SAKI Multi-Disciplinary Group will be a permanent sub-committee of the CJC. MDG meetings will be public meetings, posted on the State Public Calendar. The CJC will also be receiving ongoing technical assistance from the Bureau of Justice

Assistance (BJA). Mr. Kervick also discussed the report on Delaware's response to sexual assaults that CJC produced as mandated by Senate Joint Resolution 1.

Mr. Kervick advised that MDG members be cautious about what information is brought to the public, and to make sure it is accurate. The media is paying attention to this project, so it is important not to spread any inaccurate or misleading information.

Mr. Kelly advised that the group must appoint a chairperson.

Mr. Kervick recommended Josette Manning, from the Department of Justice.

Josette Manning agreed to serve as chair.

The members of the group subsequently confirmed Ms. Manning with no objections.

Mr. Kervick asked the attendees what outcomes they want from the project.

Jackie Cousin from Contact Lifeline advised that she wants more guidance on what happens to kits and what a victim's rights are in relation to the kits.

Elizabeth McCourt of the YWCA Sexual Assault Response Center related that a lot of victims feel that they cannot trust law enforcement or the system. It would help establish trust if there were a predictable, established way of handling sexual assault kits.

Deb Reed from the Delaware State Police (Victim Services) stated that in cases in which law enforcement is not involved, victims should have access to an advocate. Ms. Reed advised that she would also like to see a more consistent policy on victim notification.

Ms. Manning expressed her belief that the SAKI working groups need to be representative of all the interests at the table.

Mr. Kervick advised that we know from other jurisdictions that working groups are necessary. So, the Multi-Disciplinary Group will need to form specialized working groups. It is crucial that the relevant parties get together and decide which kits to prioritize and test.

Ms. McCourt commented that the SAKI group in Houston had a specific committee to decide on which kits would be prioritized and tested.

Amrita Lal-Paterson from the Division of Forensic Science added that somebody needs to look at what other evidence accompanies the kits. And that is something that the Division of Forensic Science could potentially do.

Mr. Kervick clarified that the general MDG meetings are public, but the working groups are not. So, they will have more privacy when they are meeting and planning.

Mr. Kelly added that the physical inventory of the kits will begin next week.

Maureen Monagle of the Criminal Justice Council stated that Delaware has 7 police departments with victim services offices. These offices will probably be involved in formulating the victim notification policies.

Ms. Manning pointed out that the decision on which existing kits to test is different from decisions on policies intended to prevent future backlogs. So, perhaps those should be separate subcommittees.

Ms. McCourt asked whether there is an expectation that all untested kits will be tested.

Mr. Kervick responded that the project does not have sufficient funds, nor does it have the approval of law enforcement and DOJ, to test all the existing kits. However, the SAKI Multi-Disciplinary Group could decide to institute a policy to test all future sexual assault kits, if it is so inclined.

Ms. Manning asked, if there is a case in which the prosecution has determined that a crime has not occurred, can the kit still be tested?

Ms. Lal-Paterson answered that the kit can be tested, but it cannot be entered into CODIS.

Lieutenant Teresa Williams from New Castle County PD volunteered to chair the working group for prioritizing the untested kits (with no objections). She will be retiring in 6 months, though. Lieutenant Williams recommended that this committee be synonymous with the law enforcement committee.

Sergeant Barry Mullins of the Wilmington PD volunteered himself as well as Stephanie Hamilton, also of the Wilmington PD, to chair the Victim Advocacy working group (with no objections).

Anita Symonds of Christiana Care volunteered to chair the Sexual Assault Nurse Examiner (SANE) working group (with no objections).

Ms. Manning offered to assign someone from DOJ to chair the Policies/Training working group (with no objections).

Mr. Kelly recommended holding working group meetings in November, and another Multi-Disciplinary Group meeting in December.

Mr. Kervick added that both the MDG and the working groups will have staff support from the CJC available to assist them.

Mr. Kelly asked whether Dover should be the permanent meeting location, or if the location should rotate between counties.

The committee members agreed that the location should rotate between Kent County and New Castle County.

Mr. Kervick recommended e-mailing out a poll to determine meeting dates.

Matthew Rosen of the Criminal Justice Council volunteered to create and send out the poll.

Mr. Kelly advised that the plan is to start testing kits in early 2017. Mr. Kelly added that updated information will be sent out about the kits soon. The CJC is continuously collecting information about the kits.

Mr. Kervick added that this grant includes dollars for local law enforcement for handling the kits. So, if this project ends up creating a lot of work for them, then funds can be provided to them.

Ms. Manning asked whether there is a ballpark number of how many kits can possibly be tested.

Mr. Kervick estimated that about 600 kits can be tested.

Ms. Manning asked whether the purpose of collecting these kits is for prosecution, collecting data, or both. For example, if the defendant admits to the sexual intercourse but argues that it was consensual, a hit will not matter for prosecution. So, should that kit still be tested?

Mr. Kervick responded that this is something that the group needs to decide. If the group decides there are certain kits that should not be tested, then the group needs to develop a policy on which kits should not be tested, as well as which kits should be destroyed.

Ms. McCourt remarked that the victim's outlook on the case might differ from that of prosecution and law enforcement. Not all victims will want their kits tested. Some do not even want to be contacted. But some victims want kits tested in order to get closure.

Sergeant Mullins remarked that the Wilmington PD only notifies victims if there is a CODIS hit. In some cases, victims say they want nothing to do with it. And that is their rightful choice. In those cases, the Wilmington PD notifies them of their options and then lets them be.

Mr. Kervick added that the group also needs to consider how hospitals should handle kits- i.e. whether they must turn them over to law enforcement and under what circumstance can they destroy kits.

Jamie Armstrong of the Division of Forensic Science commented that if there is a known consensual partner and there is a chance that the profile might be included, there should be a reference sample collected from that partner so that his profile would not be incorrectly entered into CODIS.

Ms. Symonds remarked that A.I. DuPont does not destroy kits because the patients are juvenile. BayHealth and Christiana guarantees that they will hold kits for 30 days, but they have a policy of holding them for about a year before destroying them.

Mr. Kervick stated that the CJC will have a better idea of what the inventory of kits looks like by the time of the next group meeting. Mr. Kervick recommended that the group make it a priority to determine about 200 kits to be tested- kits for which there is an easy consensus that they should be tested.

No new or additional business.

The meeting adjourned at 11:30am.